

REMARKS

Claims 17 – 27 have been amended and claims 39 – 56 have been added. Claims 1 – 16 and claims 28 – 28 have been cancelled. Hence, claims 17 – 27 and 39 – 56 are pending in the application.

Claims 17 – 27 are rejected under 35 U.S.C. 101 for statutory double patenting because they claim the same invention as U.S. Patent No. 6,034,686. Claims 17 – 27, as well as all other pending claims, are not claiming an invention previously claimed in this patent. Therefore, the rejection has been rendered moot. Reconsideration of claims 17 – 27 is respectfully requested.

Applicant notes that claims 17 and 39 are computer-readable claims that require instructions that cause the execution of the steps found in claims 17 and 1 in U.S. Patent No. 6,034,686, respectively. Therefore, claims 17 and 39 are allowable for at least the reasons claims 17 and 1 in U.S. Patent No. 6,034,686 are allowable. The remaining pending claims are dependant claims that depend on independent claims 17 and 39. Because each of the dependant claims include the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Allowance of all pending claims is respectfully requested.

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER
LLP



Dated: October 16, 2003

Marcel K. Bingham
Reg. No. 42,327

1600 Willow Street
San Jose, CA 95125
Telephone No.: (408) 414-1080 ext.206
Facsimile No.: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on 10/16/03 by Trudy Bagdon